

REMARKS

This Amendment and Response is in reply to the Office Action dated April 7, 2003. Therefore, the time period for reply extends up to and includes July 7, 2003. Favorable consideration is respectfully requested in light of the above amendments and the following comments. Applicants have amended claim 18 and added new claim 21. Amendments to claim 18 are supported by claim 6. Claim 21 includes the allowable subject matter of claim 20 rewritten in independent form and is readable on the elected species. No new matter has been entered hereby. Due to the species election previously filed and the addition of new claim 21, claims 1-10 and 18-21 remain pending in the present application.

§ 102 Rejection

Turning to the subject Action, at paragraph 2 the Examiner initially rejected claims 1, 2, 7-10, 18, and 19 as being anticipated by Johansen (U.S. Patent No. 5,963,415). Applicants respectfully traverse such rejection based on the following.

Johansen discloses an electrostatic discharge protection device 30 that includes a housing 31 and a flex circuit 16 that is secured to the housing. Test pads 20 formed on the flex circuit are contacted by fingers 53 of a comb 50. A tab 51 of comb 50 is removed from the fingers 53 so that they operate independently. The housing includes slots 48 to properly align the fingers 53 on the test pads, and further includes a bar 60 secured to a top surface of the housing with an aperture 66 formed therein for engagement by fingers 53.

In practice, each of the fingers 53 engage one of the test pads 20 and also the bar 60 so as to shunt contacts 20 to each other. In order to perform testing using the electrostatic discharge protection device 30, a disrupter is inserted through slots 48 to move one or more of the fingers 53 away from bar 60 while all of the fingers 53 remain in electrical contact with the flex circuit 16 through test pads 20. Therefore, Johansen fails to disclose a shunt that has “a second position in which the electrical contacts are not in electrical communication with the circuit,” as required by claim 1. Feed disruptor 72 disclosed by Johansen disconnects the pins 53 from the plate 60 so as to break shunting of the circuit, but does not disconnect the fingers 53 from electrical connection with flex circuit 16. Therefore, Johansen fails to disclose every limitation of claim 1.

As to claim 18, Johansen fails to disclose “means for reversibly shorting a portion of the circuit to be protected by lifting the means for electrically communicating relative to the circuit

so as to electrically separate the means for electrically communicating and the circuit, and returning the means for electrically communicating from the lifted position relative to the circuit to a position in which the means for electrically communicating and the circuit are electrically connected,” as required by claim 18. Johansen is limited to separating the fingers 53 from plate 60 and fails to disclose "lifting" the fingers 53 from test pads 20 to "electrically separate" the fingers 53 from flex circuit 16. Therefore, Applicants submit that Johansen fails to disclose every limitation of claims 1 and 18, and the claims that depend from them.

§ 103 Rejections

At paragraphs 3-4 of the Action, the Examiner rejected claim 3 as being unpatentable over Johansen in view of Cheung et al. (U.S. Patent No. 6,335,263). Applicants respectfully traverse such rejection based on the following.

As noted above, Johansen fails to disclose every limitation of claim 1. Cheung fails to remedy the deficiencies of Johansen. In particular, Cheung fails to disclose or suggest a shunt having “a second position in which the electrical contacts are not in electrical communication with the circuit,” as required by claim 1. Therefore, claim 3 is allowable for at least the reason it is dependant upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Claim 4 is rejected as being unpatentable over Johansen in view of Combe (U.S. Patent No. 6,301,087). Applicants respectfully traverse such rejection based on the following.

As discussed above, Johansen fails to disclose every limitation of claim 1. Combe fails to remedy the deficiencies of Johansen. In particular, Combe fails to disclose or suggest a shunt that has a “a second position in which the electrical contacts are not in electrical communication with the circuit,” as required by claim 1. Therefore, claim 4 is allowable for at least the reason it is dependant upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Allowable Subject Matter

At paragraph 5, the Examiner noted that claims 5, 6, and 20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner

specifically noted reasons for indication of allowable subject matter. Applicants submit that claims 5, 6 and 20 may be allowable for additional reasons not stated by the Examiner.

New claim 21 includes the allowable subject matter of claim 20 rewritten in independent form including all of the limitations of original claim 18. Because claim 20 was allowable prior to the amendments to claim 18, it is noted that Applicant's arguments above related to claim 18 should not be construed as limiting against new claim 21. Applicants request consideration and allowance of new claim 21.

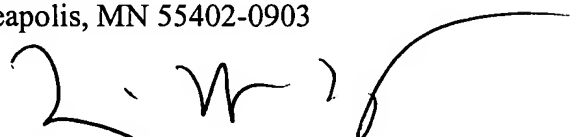
Conclusion

In view of the above amendments and comments present herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If the Examiner has any questions in regard to the foregoing, he is respectfully requested to contact Applicants' attorney below at (612) 336-4755.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

Dated: 26 June 2003



Brian H. Batzli
Reg. No. 32,960
BBATZLI:JNR:dc:ae